

Our Docket No.: 98-197/1C / 1496.00065

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Applicant: Jackson L. Ellis et al.

Application No.: 09/183,694

Examiner: Park, J.

Filed: October 30, 1998

Art Group: 2182

For: COMMAND QUEUEING ENGINE

In response to: Notification mailed January 14, 2002

CERTIFICATE OF FACSIMILE

The undersigned hereby certifies that the foregoing documents were sent via facsimile to the following: Assistant Commissioner for Patents, Washington, D.C. 20231, Examiner I. Park at (703) 746-7238 on February 4, 2003.

By: *Mary Donna Berkley*
Mary Donna Berkley

RESPONSE TO NOTIFICATION OF NON-COMPLIANCEWITH THE REQUIREMENTS OF 37 CFR 1.192(c)

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Appellants respectfully traverse the assertion by the Examiner that the Appeal Brief filed on October 23, 2002 is not compliant with the requirements of 37 CFR 1.192(c). In particular, Table I on page 18 of the Appeal Brief clearly shows that Group 3 is based upon argument items 6 and 7

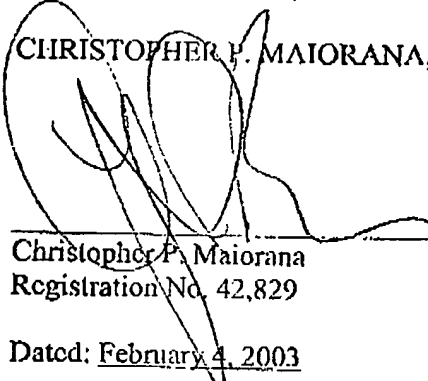
Docket Number: 98-179/1C / 1496.00065
Application No.: 09/183,694

1

whereas Group 4 is based upon argument items 6, 7 and 8. As stated on page 19, lines 3-6 of the Appeal Brief, the rejection of Group 3 may be upheld if the arguments for items 6 and 7 are found unpersuasive and at the same time Group 4 may be found allowable if the argument for item 8 is found persuasive. Furthermore, the five groupings in the Appeal Brief basically follow the four different grounds of rejection created by the Examiner, wherein claim 3 (Group 3) stands rejected upon a different ground than claims 16-20 (Group 4). Therefore, the Appeal Brief does provided reasoning why Groups 3 and 4 do not fall together per 37 CFR 1.192(c). As such, Appellants respectfully request that the assertion of non-compliance with 37 CFR 1.192(c) be withdrawn and that the Appeal Brief be accepted as originally filed.

Respectfully submitted,

CHRISTOPHER P. MAIORANA, P.C.



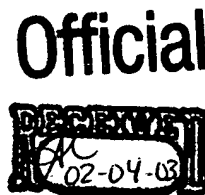
Christopher P. Maiorana
Registration No. 42,829

Dated: February 4, 2003

c/o Pete P. Scott
Intellectual Property Law Department
LSI Logic Corporation
M/S D-106
1551 McCarthy Boulevard
Milpitas, CA 95035

Docket Number: 98-179/1C / 1496.00065
Application No.: 09/183,694

LAW OFFICES
CHRISTOPHER P. MAIORANA, P.C.
24025 GREATER MACK, SUITE 200
ST. CLAIR SHORES, MICHIGAN 48080



PATENTS, TRADEMARKS
& COPYRIGHTS

CHRISTOPHER P. MAIORANA
ROBERT M. MILLER
JOHN J. IGNATOWSKI

(586) 498-0670
Fax (586) 498-0673
maioranapc.com

FACSIMILE MESSAGE

TO: Examiner I. Park
COMPANY: U.S. Patent and Trademark Office
RE: Serial No.: 09/183,694 - Filed: October 30, 1998
FILE NO.: 98-179/1C / 1496.00065
FAX NO.: (703) 746-7238
FROM: Christopher P. Maiorana, Esq.
DATE: February 4, 2003 TIME: _____

TOTAL NUMBER OF PAGES 3 (including cover sheet)

If you do not receive any of these pages, please telephone us at (586) 498-0670 or telefax us at (586) 498-0673.

COMMENTS:

Enclosed is:

*Response To Notification Of Non-Compliance With
The Requirements Of 37 CFR 1.192(c) (2 pages).*

The information contained in this facsimile message is privileged and confidential information intended only for the individual or entity named above. If the reader of this message is not the intended recipient (or the employee or agent responsible for delivering this message to the intended recipient), you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original communication to us at the above address via the U.S. Mail. Thank you.